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District 4

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District 5

~~WALTER W. WALKER~~
County Administrator

To: Jennifer Ervin, Executive Assistant Senior to County Administrative
From: Darrel McQuirter, Director
Department of Permit and Zoning
Date: June 3, 2010
Re: Zoning Agenda for June 7, 2010

APPROVED

JUN 21 2010

HINDS COUNTY
BOARD OF SUPERVISORS
BY *Darrel McQuirter*

HIND COUNTY BOARD OF SUPERVISOR
HINDS COUNTY PERMIT AND ZONING DEPARTMENT
HINDS COUNTY SHERIFF'S ANIMAL CONTROL DIVISION

The petitioners are requesting consideration to Amend Animal Control Ordinance of the Board of Supervisors of Hinds County, Mississippi providing for the control and protection of domesticated, vicious and wild animals in incorporated and unincorporated areas of Hinds County, Mississippi.

The Planning Commission granted this petition subject to clerical corrections and recommendations to impose a processing fee to the variance by a vote of six ayes, with two members absent. There was no public opposition.

AMENDED ANIMAL CONTROL ORDINANCE OF THE
HINDS COUNTY BOARD OF SUPERVISORS

JUN 21 2010

AN AMENDED ORDINANCE OF THE BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI PROVIDING FOR THE CONTROL AND PROTECTION OF DOMESTICATED, VICIOUS AND WILD ANIMALS IN INCORPORATED AND UNINCORPORATED AREAS OF HINDS COUNTY, MISSISSIPPI

Section 1-1: Definitions

The following words, whenever used in this Ordinance, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

- (a) "Animal Control Officer" shall mean the person (s) designated by the Hinds County Sheriff's Department to represent and act for Hinds County, in the impoundment of domesticated animals, controlling of domesticated animals running at large and as otherwise required in this Ordinance.
- (b) "At Large" shall mean any domesticated animal shall be deemed to be at large when not on a leash, behind a fence or enclosure.
- (c) "Densely Populated Areas" shall mean a minimum of five (5) houses per ten (10) acres.
- (d) "Domesticated Animal" shall mean any non-wild animal ordinarily domesticated by man and kept as a pet or used as livestock. This shall include but not be limited to dogs, cats, birds, rabbits, cattle, horses, sheep, goats, swine and other animals normally kept for these purposes.
- (e) "Feral Animal" shall mean an animal that has escaped from domestication and has become wild, dangerous or untamed.
- (f) "Health Officer" shall mean a licensed physician or veterinarian appointed by the Board of Supervisors to have charge and control of the work of protecting and preserving the public health.
- (g) "Inhuman Treatment" shall mean any treatment of any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, and any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, poisoning, long term tethering or staking or other abnormal treatments as may be determined by:
 - (1) An authorized Health Officer, or;
 - (2) An authorized Hinds County Animal Control Officer
- (h) "Large Canine Breed" shall mean dogs equivalent to or greater than the average size Labrador Retriever -- 60-65 pounds.
- (i) "Owner" shall mean any natural or legal person, firm, association, syndicate, partnership, or corporation.

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- (j) "Person" shall mean any natural or legal individual, firm, association, syndicate, partnership, or corporation.
- (k) "Vaccination" shall mean an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian
- (l) "Vicious Animal" shall mean:
- (i) An animal may be declared "vicious" or "dangerous" by an animal control officer or law enforcement officer if the animal, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.
 - (ii) An animal may be declared vicious or dangerous if that animal has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten safety of human beings or domestic animals.
 - (iii) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting will be considered vicious or dangerous.
- (m) "Wild Animals" shall mean all animals which can normally be found in the wild state and are not ordinarily domesticated by man, whether raised in captivity or – the wild, including, but not limited to reptiles, lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons, opossums and squirrels. Also, Any animal that that could be considered a potential menace to the public. This shall include but not be limited to hybrid wolf-dogs, pit bull breeds (purebred or any amount) and/or fighting dogs.

Section 1-2. The Control or Protection of Domesticated and Wild Animals.

- (a) It shall be unlawful for any person to:
- (1) Permit any domesticated animal to run at large within any incorporated and unincorporated subdivision areas in Hinds County.
 - (2) Commit any inhuman treatment against any domesticated animal.
 - (3) Interfere with or molest any Domesticated Animal used by law enforcement in the performance or the functions or the duties of such department.
 - (4) Keep or harbor more than three (3) Domesticated Animals of the same species over the age of six (6) months in any platted and recorded subdivision, or densely populated area of Hinds County, or keep more than two (2) of which are large canine breeds.
 - (5) Keep or harbor any animal(s) which by loud, repeated, and frequent or habitual barking, howling, yelping or other noise or action, disturbs any Person in a platted subdivision or densely populated area within Hinds County.
 - (6) Allow any pens, kennels, or other enclosures, for the keeping of domesticated animals to become unsanitary, offensive, or disagreeable to persons residing in the vicinity of a platted and recorded subdivision or densely populated area thereof, nor shall they be maintained or kept as to breed flies or in any manner to cause any injury to the public health of any person residing in the vicinity of the pen, enclosure, cage, etc.
 - (7) Keep or harbor any domesticated animal in such a manner as to become offensive by reason of odor or unclean condition or in such a manner as to annoy any person residing in the vicinity thereof.

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(8) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(a) Proper shelter is defined as a roof and three (3) sided shelter for all equines and a recognizable dog house for canines.

(9) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal. In the event the owner of said vehicle is not available and cannot be found or refuses to prevent said harm or reasonably potential harm from continuing, the animal control officer or the police and Sheriff's Departments shall be authorized to remove said animal from such vehicle and to utilize any reasonably method to effect said removal.

(10) Expose any known poisonous substance, whether mixed with food or not in such a manner as to be ingested by any animal to purposely harm said animal.

(11) No person(s) shall keep any wild animals within incorporated and unincorporated areas of Hinds County.

(i) A variance to this provision may be requested by obtaining a special permit from the Hinds County Sheriff's Department, Animal Control Division. All permits issued to own a wild animal will be maintained by the Hinds County Sheriff's Department, Animal Control Division and copied to the Hinds County Administrators Office and the Hinds County Department of Permits and Zoning.

(12) The duly sworn and authorized animal control officer (s) of Hinds County may seize or cause to have seized any animal whose owner I found to be in violation of any part of this Section 1-2(a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five (5) days, and if reasonable corrections are not made by the owner of the animal so that the owner will not be in further violation of said Sub-Section (a) if such animal is not returned to him, the animal shall be released to the Mississippi Animal Rescue League. The animal control officer shall designate to the owner what corrections are necessary to bring said owner into compliancy with Subsection 1-2(a) during said five-day period.

Section 1-3 Vicious Animals

(a) It shall be unlawful for:

(1) Any animal that has been declared vicious or dangerous to be kept in or allowed to enter any incorporated, unincorporated, platted subdivision, residential neighborhood, or community.

(2) Any animal that has been declared vicious or dangerous to be kept on a chain or in any other manner kept tethered to tie out.

(3) Any person who has been convicted of a felony offense to possess, harbor, control, own, or reside on the same premises as a vicious or dangerous animal.

Section 1-4 The Control or Protection of Animals

(a) It shall be unlawful for a person to tether, fasten, chain, tie or restrain an animal, either pet or livestock, to any stationary object in a manner that is inhumane or is detrimental to its welfare. A person may temporarily tether an animal no longer than is necessary for the person to complete a temporary task.

(b) It shall be unlawful to allow any animal to be unrestrained or unconfined while being transported in the open bed of a pick up or flat bed truck or trailer.

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(c) It shall be unlawful for any person, firm or corporation, to attempt to sell, exchange, trade, barter, donate or display any animal on any roadside, public right-of-way, parkway, median, park, playground, other recreational areas or any private parking lot that is generally accessible by the public, regardless of whether such access is authorized. Non-profit organizations founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals shall have rights to interior parking areas associated with commercial/retail stores with written permission from the property owner.

Section 1-5 Impoundment of Animals

(a) An animal control officer or law enforcement officer may seize or cause to have seized any animal declared vicious or dangerous or whose owner has violated any part of this ordinances and have said animal impounded at the Mississippi Animal Rescue League facility or other designated government facility authorized to impound vicious animals.

(1) The owner of any vicious or dangerous animal shall be held liable for costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal, regardless of whether the animal is returned to the owner.

(b) When an animal is determined by the animal control officer or law enforcement officer to be a vicious or dangerous animal or feral animal, that animal shall be destroyed by the animal control officer or his designee provided each of the following requirements are met:

1. The animal is at large without restraint;
2. There is no vaccination tag or other identification around the animal's neck.
3. Attempts to peacefully capture the animal have been made and have proved unsuccessful.

If the animal is in the process of attacking and is a threat to human or animal life, the above requirements will be waived.

Section 1-6. Procedure on Retention, Observation and Disposition of Animals which have bitten persons or other animals, or those suspected of having disease.

(a) The Animal Control Officer or the person designated by the Hinds County Sheriff's Department to represent and act for the said Hinds County, Mississippi in the course of his or her duties of investigation of cases in which animals have bitten persons or other animals shall - immediately notify the owner of such animal which has bitten any person or otherwise arrange for the authorized officer to pick up and retain such animal in a separate kennel at the Mississippi Animal Rescue League for a period of not less than ten (10) days after the biting of such person or other animal during which period it shall be determined by the Hinds County Health officer or designated official whether or not such animal is suffering from any disease. If no disease is found the Hinds County Health Officer is to signify to the authorized animal officer that such animal may be released to the owner provided further, that the authorized officer may authorize keeping of any such animal in the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than twelve (12) months previous thereto or vaccination period recognized by the U.S. Department of Agriculture and provided further, that the authorized officer may authorize any such animal to be retained for a period of not less than ten (10) days after biting such person, or animal in quarters supervised by a veterinarian; provided further, that Hinds County Health officer may authorize the keeping of certain animals confined on the owner's premises because of

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veterinary medical reasons, such as animals difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the Hinds County Health Officer.

(b) Any animal suspected of having disease shall be subject to the impoundment and observation provisions set out in Section 4.

(c) Any animal found to be infected with rabies shall be forthwith destroyed by the Hinds County officer or any other designated officer in a humane manner.

Section 1-7. Authorization for Quarantine.

In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the Hinds County Health officer is hereby authorized and it shall his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the Health Officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as in the definition "at large", except prescribed that any such animal under the control of any adult person on a lead or under a control by voice command, may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the Hinds County Health Officer in his quarantine proclamation without being property confined or muzzled if under the control of an adult person may be destroyed by an authorized officer, is said officer is unable with reasonable effort, to apprehend the animal for impoundment.

Section 1-8. Animal Control Officers -- Training and Certification

Animal control officer (s) shall be required to be familiar with Hinds County's Ordinances pertaining to "Domesticated Animals" and applicable federal and State Statutes pertaining thereto.

Section 1-8 Animal Control Officers -- Police Powers and Enforcement Responsibility

(a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provision of this Ordinance, including without limitation, humane wire box traps; and the animal control officer (s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.

(b) Any animal control officer appointed by the County shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the same manner as other law officers of the County.

Section 1-9. Penalties

(a) Any person who violates any of the provisions of Sections 1-2 and 1-4 pertaining to domesticated or wild animals shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense. Each and every violation shall constitute a separate and distinct offense.

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- (1) First Offense - a fine of not less than \$100.00 per violation plus costs and damages incurred by the injured and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.
- (2) Second offense - a fine of not less than \$300.00 per violation plus costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.
- (3) Third (and subsequent) Offense - a fine of not less than \$1000.00 per violation or by imprisonment a minimum of ninety (90) days or by both such fine and imprisonment, plus costs and damages incurred by the injured party and/or the Mississippi Animal League or other government agency authorized to impound such vicious animal.

(b) Any person who violates any of the provisions of Section 1-3 pertaining to vicious or dangerous animals shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense. Each and every violation shall constitute a separate and distinct offense.

- (1) First offense - a fine of not less than \$1000.00 per violation or by imprisonment for sixty (60) days or by both such fine and imprisonment, plus costs and damages incurred by the injured and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.
- (2) Second offense - a fine of not less than \$2000.00 per violation or imprisonment for a minimum of ninety (90) days or by both such fine and imprisonment, plus costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.
- (3) Third offense - a fine of not less than \$3000.00 per violation or by imprisonment a minimum of one hundred and twenty (120) days or by both such fine and imprisonment, plus costs and damages incurred by the injured party and/or the Mississippi Animal League or other government agency authorized to impound such vicious animal.

(c) Thirty percent (30%) of all fines garnered from the above penalties shall be put aside for upkeep of the Animal Control Shelter at the Hinds County Penal Farm in Raymond.

Furthermore, any attack by an animal which has been deemed vicious or dangerous which results in injury requiring hospital treatment (i.e., an emergency room visit), surgery and/or ongoing medical care, regardless of whether the animal has a history of harassing, attacking, or biting, shall result in that animal being euthanized.

Section 1-10. Constitutionality

Should any section or provision of this ordinance for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other section or provision hereof which is in itself not void, unconstitutional or invalid.

Section 1-11. Effective Date

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This Ordinance will become effective thirty (30) days after adoption by the Board of Supervisors and Planning Commission Board.

- Approved by the Hinds County Planning Commission
- Approved by the Hinds County Planning Commission with amendments
- Disapproved by Hinds County Planning Commission
- Other, specify: _____

Respectfully Submitted,

Delmer C. Stamps
Delmer C. Stamps, Chairman

- Approved by Hinds County Board of Supervisors
- Disapproved by Hinds County Board of Supervisors
- Other, specify: _____

Ordered this the 21st day of June, 2010

Hinds County Board of Supervisors

Robert Graham
Robert Graham, Board President

ATTEST: EDDIE JEAN CARR, CHANCERY CLERK
HINDS COUNTY, MISSISSIPPI
CLERK OF THE BOARD

By: *Eddie Jean Carr*

